

DEC 21 2012

Zoning Evaluation Division

Christopher and Karen Barth

App # RZ 2012-DR-017

Proffers

Dec 20, 2012

Pursuant to Section 15.2-2303 (a) of The Code of Virginia, 1950, as amended, the undersigned; Christopher and Karen Barth, the Applicants and Owners, for themselves and their successors and assigns (hereinafter referred to as the "Applicant") filed for the rezoning for the property located at Tax Map 40-3-01 Parcel 82 (hereinafter referred to as the "Application Property") hereby agrees to the following Proffers, provided that the Fairfax County Board of Supervisors approves the rezoning of the Application Property to the R-3 Zoning District, as proffered herein.

1. **Substantial Conformance.**

- a. **Shared driveway plan:** Subject to the provisions of Section 18-204 of the Fairfax County Zoning Ordinance ("the Ordinance"), development of the Application Property identified on the Fairfax County Tax Map 40-3 ((1)), Parcel 82 shall be in substantial conformance with the Generalized Development Plan ("GDP") entitled Mid Pike Subdivision Lot 82 Block 1 and prepared by Advance Engineering Group, LLC, dated 4-23-2012 as revised through 9-26-2012.
- b. **Separate driveway plan:** If at the time of Subdivision Plan the applicant elects to develop the site in substantial conformance with the GDP dated 4-23-2012 as revised through 10-25-2012, then development of the Application Property shall be in substantial conformance with this GDP.

2. **Minor Modifications.** Minor modifications from the GDP and these Proffers, which may become occasioned as part of the final architectural and engineering design, may be permitted as determined by the Zoning Administrator in accordance with the provisions set forth in Section 18-204 of the Fairfax County Zoning Ordinance.

3. **Successors and Assigns.** Each reference to Applicant in this Proffer Statement shall include within its meaning, and shall be binding upon, Applicant's successor(s) in interest, assigns, and/or developer(s) of the Application Property or any portion of the Application Property.

4. **Maximum Density.** A maximum of 2 dwelling units shall be permitted on the Application Property. (1 dwelling per lot after subdivision)

5. **Zoning Agreement.** While the property is being rezoned to R-3, the Applicant property shall meet the minimum yard requirements of the R-2 District, except along the Idylwood Road front. Only 2 single family homes shall be located on the application property, and the homes shall be single family dwellings.

6. **Storm Water Detention/Water Quality.**

- a. The Applicant shall provide stormwater management and stormwater quality facilities as generally depicted on the GDP, subject to the requirements of the Fairfax County Public Facilities Manual. Prior to subdivision plan approval, stormwater management (SWM), best management practice (BMP) facilities, and adequate outfall shall be provided in accordance with the Public Facilities Manual (PFM) as determined by DPWES.
- b. In addition to the above, the Applicant shall provide BMP facilities for each lot that provide a minimum of 50% phosphorus removal efficiency, as determined by DPWES.

CB/KCB

- c. The Applicant reserves the right to pursue innovative stormwater detention and water quality measures, subject to the review and approval of Fairfax County DPWES.
7. **Architecture and Building Materials.** The design and architecture of the approved units shall be in substantial conformance with the illustrative elevation attached as Sheet (2) of the (GDP), or of comparable quality as determined by DPWES. The exterior facade of the new home constructed on the site shall be brick, stone, cementitious siding, vinyl siding, or a combination thereof.
8. **Interior Noise Reduction:** In order to reduce interior noise in the proposed residential dwelling constructed on lot two, the Applicant shall employ the following acoustical treatment measures:
- Exterior walls shall have a laboratory sound transmission class (STC) rating of at least 45.
  - Doors and glazing shall have a laboratory STC rating of at least 34.
  - All surfaces shall be sealed and caulked in accordance with methods approved by the American Society of Testing and Materials to minimize sound transmission.
9. **Energy Efficiency.** The new house on Lot 2 shall be designed and constructed as an ENERGY STAR qualified home. Prior to the issuance of the Residential Use Permit for the new home on Lot 2, documentation shall be submitted to the Environment and Development Review Branch of the Department of Planning and Zoning from a home energy rater certified through the Residential Energy Services network program that demonstrates that the home has attained the ENERGY STAR for homes qualification.
10. **Dedication.** The Applicant shall dedicate and convey in fee simple without encumbrance to the Board of Supervisors right-of-way up to a width of 32 (thirty two) feet from centerline of Idylwood Road as shown on the Generalized Development Plan (GDP). Dedication shall occur at the time of subdivision plan approval.
11. **Density Credit.** Density credit shall be reserved as may be permitted by the provisions of Paragraph 4 of Section 2-308 of the Ordinance for all eligible dedications described herein.
12. **Water and Sewer.** The Applicant shall be responsible for constructing all facilities to connect the proposed home on Lot 2 of the Application Property to public water and sewer.
13. **Tree Preservation.**
- a. **Tree Cover and Tree Preservation in Accordance with PFM.** The applicant shall satisfy the tree preservation and tree canopy requirements of the Public Facilities Manual (PFM) of Fairfax County.
- b. **Tree Preservation Plan.** The Applicant shall submit a Tree Preservation Plan and Narrative as part of the first and all subsequent subdivision plan submissions. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a Certified Arborist or Registered Consulting Arborist, and shall be subject to the review and approval of the Urban Forest Management Division, DPWES
- The tree preservation plan shall consist of a tree survey that includes the location, species, critical root zone, size, crown spread and condition rating percentage rating of all individual trees 12 inches in diameter and greater located within 25 feet within the undisturbed area and 10 feet of the limits clearing and grading in the disturbed area shown on the GDP for the entire site. The tree preservation plan shall provide for the preservation of those areas shown

CB/KMB

for tree preservation, those areas outside of the limits of clearing and grading shown on the GDP and those additional areas in which trees can be preserved as a result of final engineering. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

- c. **Tree Preservation Walk-Through.** The Applicant shall retain the services of a certified arborist or Registered Consulting Arborist, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree-preservation walk-through meeting, the Applicant's Certified Arborist or Registered Consulting Arborist shall walk the limits of clearing and grading with an UFMD, DPWES, representative to determine where adjustments, if any, to the clearing limits can be made to increase the area of tree of tree preservation and/or to increase survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as a little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.
- d. **Limits of Clearing and Grading.** The Applicant shall conform strictly to the limits of clearing and grading as shown on the GDP, subject to allowances specified in these proffered conditions and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the GDP, they shall be located in the least disruptive manner necessary as determined by the UFMD, DPWES. A replanting plan shall be developed and implemented, subject to approval by the UFMD, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.
- e. **Tree Preservation Fencing.** All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super slit fence to the extent that required trenching for super slit fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets, as may be modified by the "Root Pruning" proffer below.

All tree protection fencing shall be installed after the three preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the direct supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the


CS/KMB

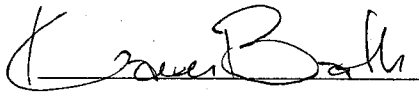
fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by the UFMD, DPWES.

- f. **Root Pruning.** The Applicant shall root prune, as needed to comply with the tree preservation requirements of these development conditions. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the subdivision plan submission. The details for these treatments shall be reviewed and approved by the UFMD, DPWES, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:
    - i. Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
    - ii. Root pruning shall take place prior to any clearing and grading, or demolition of structures.
    - iii. Root pruning shall be conducted with the supervision of a certified arborist.
    - iv. An UFMD, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.
  - g. **Demolition of Existing Structures:** At the time of subdivision plan review, the applicant shall submit a narrative that describes how trees adjacent to the existing structures and features to be removed will be protected during demolition activities
  - h. **Site Monitoring.** During any clearing or tree/vegetation/structure removal on the Applicant Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by the UFMD. The Applicant shall retain the services of a Certified Arborist or Registered Consulting Arborist to monitor all construction and demolition work adjacent to any vegetation to be preserved and tree preservation efforts in order to ensure conformance with all tree preservation proffers, and UFMD approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by the UFMD, DPWES.
14. **Existing Detached Car Port.** A detached car port currently exists on the Application Property and its footprint rests on both proposed lots. The Applicant shall remove this structure prior to the issuance of the residential use permit (RUP) for the dwelling on Lot 2. The proposed new home on Lot 2 may include an attached garage as shown on the GDP.
  15. **Additions and Accessory Structures.** Additions and accessory structures, including replacement of existing structures, that conform to the applicable Zoning Ordinance provisions and these proffers may be permitted without an amendment to these Proffers and the GDP. The applicant may encroach into the limits of clearing and grading shown for lot 1 on the GDP in order to replace the existing dwelling or construct additions or accessory structures, provided that tree preservation and canopy requirements are met.
  16. **Common Driveway Easement.** In the event that the applicant elects to develop the site in accordance with Proffer 1A, the Applicant shall grant ingress/egress easements for the benefit of proposed (LOT 1) over the common driveway shown on the (GDP). Said easements shall be the subject of a private maintenance agreement to be recorded at time of subdivision plat approval for the Application Property. Purchasers shall execute a disclosure memorandum at time of contract acknowledging the ingress/egress easement.

CS/KMB

17. **Erosion and Sediment Control.** The applicant shall implement erosion and sediment control measures before and during all construction activities, in accordance with the Public Facilities Manual (PFM) of Fairfax County.
18. **Idylwood Road Sidewalk/Trail Improvements.** In lieu of constructing the required 10 (ten) foot wide trail, the Applicant shall construct either 1) a concrete sidewalk, 5 (five) feet in width or 2) an asphalt shared use path, 6 (six) feet in width extending along the application property's full frontage of Idylwood Road. The sidewalk/path shall be graded to be ADA compliant.
19. **Park Contribution.** Prior to subdivision plan approval, the Applicant shall contribute \$2,679 to the Fairfax County Park Authority for its use in establishing and maintaining parks and recreational facilities in the Dranesville District of Fairfax County.
20. **Housing Trust Fund Contribution.** Prior to the issuance of the first Building Permit, the Applicant shall contribute to the Fairfax County Housing Trust Fund a sum equal to one-half of one percent (0.5%) of the value of the new unit approved on the property. The percentage shall be based on the sales price of the unit subject to the contribution and is estimated through comparable sales of similar type units. The projected sales price shall be as determined by the Department of Housing and Community Development in consultation with the Applicant to assist the County in its goal to provide affordable dwellings.
21. **Archaeological Study.** Prior to any land disturbing activities on the Application Property, the applicant shall conduct a Phase I archaeological study of the Application Property, and provide the results of such studies to the Resource Management Division of the Fairfax County Park Authority. If deemed necessary by the Resource Management Division, the Applicant shall conduct a Phase II and/or Phase III archaeological study on only those areas of the Application Property identified for further study by the Resource Management Division. The studies shall be conducted by a qualified archaeological professional approved by Resource Management Division, and shall be reviewed and approved by the Resource Management Division. The studies shall be completed prior to subdivision plat recordation.
22. **Culvert Pipe.** Prior to obtaining the VDOT driveway permit, the applicant shall ensure the existing culvert pipe has adequate capacity for the proposed driveway, and if necessary, make the improvements to meet VDOT requirements.
23. **Escalation.** All monetary contributions required by these proffers shall be adjusted upward or downward based on the percentage change in the annual rate of inflation as calculated by referring to the Consumer Price Index for all urban customers, (not seasonally adjusted) as reported by the United States Department of Labor, Bureau of Labor Statics occurring subsequent to the date of rezoning approval and up to the date of payment. In no event shall an adjustment increase exceed the annual rate of inflation as calculated by CPI-U.

 20 DEC 2012  
 Christopher D. Barth  
 Title Owner/Applicant

 20 Dec 2012  
 Karen M. Barth  
 Title Co-Owner/Co-Applicant